

1 Plaintiffs Richard Roe and John Q. Public (“Plaintiffs”), by and through their undersigned
 2 counsel, move, pursuant to Local Rule 3-12 of the United States District Court for the Northern
 3 District of California, for an order designating the case captioned *Roe et al. v. 23andMe, Inc.*, Case
 4 No. 3:24-cv-02319 (N.D. Cal.) as related to *Santana v. 23andMe, Inc.*, No. 23-cv-5147-EMC
 5 (N.D. Cal.).

6 **PROCEDURAL BACKGROUND**

7 1. On April 11, 2024, the Judicial Panel on Multidistrict Litigation issued a Transfer
 8 Order pursuant to 28 U.S.C. § 1407 centralizing cases involving the data breach against Defendant
 9 23andMe, Inc. to Judge Chen in the Northern District of California. MDL No. 3098, Dkt. 89
 10 (J.P.M.L.) (Apr. 11, 2024). That order transferred thirty-one cases, including the above-captioned
 11 case, to Judge Chen.

12 2. Judge Chen has not yet authorized direct filing in the MDL, which is captioned *In*
 13 *re: 23andMe, Inc., Customer Data Security Breach Litigation*, 3:24-md-3098-EMC (N.D. Cal.).

14 3. On April 18, 2024, Plaintiffs filed a class action complaint. *See Roe et al. v.*
 15 *23andMe, Inc.*, Case No. 3:24-cv-02319 (N.D. Cal.).

16 **LEGAL STANDARD**

17 Under Local Rule 3-12, “an action is related to another when: (1) [t]he action concerns
 18 substantially the same parties, property, transaction, or event; and (2) [i]t appears likely that there
 19 will be an unduly burdensome duplication of labor and expense or conflicting results if the cases
 20 are conducted before different Judges.” L.R. 3-12(a).

21 **ARGUMENT**

22 Plaintiffs’ action concerns the same parties, transactions, and events as the cases that have
 23 previously been transferred by the J.P.M.L. to Judge Chen. Each case names 23andMe, Inc. as a
 24 defendant. Likewise, each action arises out of the October 2023 data breach that 23andMe
 25 announced and is brought on behalf of 23andMe customers who had their personally identifiable
 26 information stolen in the data breach. Furthermore, Plaintiffs’ action and the previously-filed
 27 actions seek to represent similar proposed classes. Accordingly, all of these actions would result
 28 in undue burden and work if conducted before different judges.

CONCLUSION

Plaintiffs Roe and Public respectfully request that their case be related to the above-captioned action and assigned to the Honorable Edward M. Chen as part of the *In re: 23andMe, Inc., Customer Data Security Breach Litigation*, 3:24-md-3098-EMC (N.D. Cal.) multidistrict litigation.

DATED: April 18, 2024

Respectfully submitted,

/s/ Melissa A. Gardner

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the Proposed Class*

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